

O.P.No.145 of 2015K.RAVICHANDRABAABU. J.,

This original petition is filed under Section 34 of the Indian Trusts Act, 1882 seeking permission to sell the subject matter property. Since the property sought to be sold is a trust property, this petition is filed seeking permission of this Court to sell the same.

2. Today, the petitioner and the first respondent have filed a joint memo dated 21.7.2015, signed by the petitioner, first respondent as well as their respective counsels. The memo reads as follows:

"1.The property bearing Door No.76/1 & 76/2, Narayana Guru Road, Choolai, Chennai-600 112, morefully described in the schedule measuring 1008 sq.ft., originally belonged to Kanakamma and as per her last Will and Testament dated 16.3.1981, the said property was bequeathed in favour of Hemadri Venkatakrishnakumar and Vaiduryamma.

2. The said Vaiduryamma founded a Trust by an instrument dated 30.12.1992 by which 12% of the rental income from the schedule mentioned property has to be spent for festivals, Archanai and

other rituals in the first respondent temple. The schedule mentioned property was not endowed to the temple but only 12% of the rental income has to be spent by the Trust viz., Y. Vedantha Desikan Trust, for the first respondent temple.

3. The O.P. has been filed for permission to sell the schedule mentioned property, since one of the beneficiaries of 12% of the rental income from the property was the first respondent temple they have been shown as a party respondent. In view of the above circumstances, especially since only a portion of the rental income from the schedule mentioned property has to be spent for the Temple, it has been agreed that the schedule mentioned property shall be sold and the petitioner shall be sold and the petitioner shall deposit a sum of Rs.10.00 lakhs in the name of the temple and the same shall be a specific endowment for performance of:

- a. Nithya Archanai
- b. Nithya Karpooa Aarathi
- c. Pooja during (i) Punarpoosam, (b) Uthiradam, (iii) Sravanam, (iv) Thiru Adi Pooram, (v) Rathasapthami, (vi) Ugadi, (viii) Narasimha Jayanthi and (viii) Hanuman Jayanthi.

4. The said amount of Rs.10.00 lakhs shall be invested by the first respondent in a Nationalized Bank and the interest from the same shall be utilized for the above said purpose. The endowment shall be in the name of Y.Vedantha Desikan Trust."

3. The learned counsel appearing for the petitioner and the first respondent sought for disposal of the above original petition in terms of the joint memo filed by the petitioner and the first respondent. It is stated that the second respondent is the agreement holder. The learned counsel appearing for the second respondent is not having any objection for disposing of the original petition in terms of the above memo.

4. Considering the facts and circumstances of the case and considering the fact that the interest of the first respondent temple is properly taken care of by the petitioner under the above said memo, this Court is of the view that the original petition can be disposed of in terms of the above said memo.

5. Accordingly, the original petition is allowed and the petitioner is permitted to sell the property and thereafter to deposit the sum of Rs.10 lakhs in the name of the first respondent temple. Such deposit shall be a

specific endowment for performance of (a) Nithya Archanai; (b) Nithya Karpooa Aarathi and (c) Pooja during (a) Punarpoosam, (b) Uthiradam, (iii) Sravanam, (iv) Thiru Adi Pooram, (v) Rathasapthami, (vi) Ugadi, (vii) Narasimha Jayanthi and (viii) Hanuman Jayanthi. The first respondent in turn shall invest the said amount in a Nationalized Bank and the interest derived there from shall be utilized for the above said endowment purpose. As agreed to between the parties, the endowment shall be in the name of "Y. Vedantha Desikan Trust". The amount of Rs.10 lakhs so deposited shall not be withdrawn by the first respondent temple as the same is an endowment made for performance of certain rituals permanently.

6. The petitioner shall sell the property as permitted in this original petition and deposit the sum of Rs.10 lakhs in the name of the first respondent temple within a period of two weeks from the date of receipt of a copy of this order.

21.07.2015

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K.RAVICHANDRABAABU. J.,

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